

**Sec. 731-220. Home occupations.**

**(a) Permitted home occupations.** Certain professions and domestic occupations, crafts and services defined below as "permitted home occupations" shall be permitted in all dwelling districts (except the D-11 district) and in any other zoning district in Marion County permitted dwelling uses, provided that each such home occupation complies with all requirements set forth in subsection (b) hereof.

Professions and domestic occupations, crafts or services which, as typically carried out, can be conducted in a dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties, as permitted home occupations. Examples of professional services which constitute permitted home occupations include law, medicine, dentistry, architecture, engineering, real estate brokerage, tutoring, writing, painting, music instruction, photography and such services as are provided by clergyman, insurance agents, notaries public and manufacturer's agents. Examples of domestic occupations, crafts and services which constitute permitted home occupations include dressmaking, millinery, sewing, tailoring, weaving, hair grooming, washing, ironing and cabinet making.

For purposes of this ordinance, a child care home shall be considered an accessory use, and not a home occupation.

**(b) Home occupation requirements.** Permitted home occupations shall comply with each of the following requirements:

- (1) The primary use of the dwelling unit shall remain residential.
- (2) The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than six hundred (600) square feet or thirty (30) percent of the total square footage of the dwelling unit, whichever is lesser, shall be used in connection with the home occupation(s). The six hundred (600) square feet or thirty (30) percent area which may be used in the conduct of the home occupation(s) shall include all areas in the dwelling unit which are in any way devoted to the operation or conduct of the home occupation.
- (3) All aspects of the home occupation activity that occur on the premises shall be conducted within the dwelling structure in which the operator makes his actual residence. For purposes of this section, only those areas completely enclosed by walls and under the same roof system as the living quarters shall be considered a part of the dwelling structure".
- (4) The operator of the home occupation(s) shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence. This means that the operator, in addition to making the dwelling unit his place of legal residence, shall also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation(s) is being conducted than are carried out at any other place.
- (5) No one may participate in or assist with the conduct or operation of home occupation except:
  - a. Individuals who meet the same residence requirements, set forth in paragraph (4) above, as must be met by the operator of home occupation;
  - b. A nonresident assistant, subject to the following requirements and limitations:

1. Participation by the nonresident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation -- as, for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician.
  2. The nonresident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.
  3. Participation by the nonresident assistant shall be limited to forty-five (45) hours per week.
  4. No more than one (1) nonresident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a nonresident assistant shall be permitted for only one of the home occupations.
- (6) No structural alterations shall be effected to the interior of the dwelling which would render it undesirable for residential use.
- (7) No structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted.
- (8) No additional or separate exterior entrance shall be constructed for the purpose of conducting the home occupation.
- (9) The dwelling unit shall not be a mobile dwelling unit.
- (10) The home occupation(s) shall not regularly attract more than four (4) individuals simultaneously onto the premises for reasons related to the home occupation(s) and shall not generate significantly greater traffic volume than would normally be expected in the particular residential area in which the home occupation(s) is conducted.
- (11) No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling District, shall be permitted. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway, to serve such home occupation, shall be permitted.
- (12) No display of goods or external evidence of the home occupation shall be permitted other than a window or wall sign as permitted by the Sign Regulation of Marion County, Indiana, 71-AO-4, as amended (section 3.20, On-Premises Signs: Dwelling Districts).
- (13) No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:
- a. A reasonable number of samples needed in the home occupation, or
  - b. Those goods, commodities or stock in trade, a substantial portion of the value of which is or will be attributable to work or services performed by the operator of the home occupation on the premises as a part of the operation of the home occupation.

Nothing in this paragraph shall be deemed to preclude receipt, retention, use or storage of:

- a. Equipment or devices, such as medical instruments in the case of a physician, necessary to the conduct of the home occupation;
- b. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;

- c. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation; or
  - d. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or serviced by the operator of the home occupation on the premises.
- (14) No electrical or mechanical equipment shall interfere with local radio and television reception.
- (15) Hours of operation of the home occupation shall not interfere with use and enjoyment of adjacent residential properties.
- (16) Permitted home occupations shall comply with all standards set forth in section 2.00, B.
- (17) No permitted home occupation shall interfere with the reasonable use and enjoyment of adjacent residential properties.
- (G.O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(D), 8-27-90; G.O. 24, 1995, § 1(D); G.O. 46, 1997, § 1(F))